

AUG 28 2007

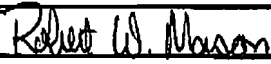
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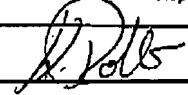
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/459,280	
	Filing Date	December 10, 1999	
	First Named Inventor	Richard C. Vogel	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	15	Attorney Docket Number	VAC.331AUS

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks Attention of Certificate of Correction Branch	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kinetic Concepts, Inc.		
Signature			
Printed name	Robert W. Mason		
Date	August 28, 2007	Reg. No.	42,848

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Karola Rottler	Date	August 28, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,214,202 Confirmation No.: 8678
Applicants : Richard C. Vogel et al.
Issued : May 8, 2007
TC/A.U. :
Examiner :
Docket No. : VAC.331A.US
Customer No.: 30159

Attention of Certificate of Correction Branch
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Letter accompanying
Certificate of Correction

SIR:

Applicants herewith submit a Certificate of Correction and a copy of the last submitted Amendment.

Applicants noticed that the claims in the issued patent were renumbered. For example claim 1 in the issued patent was listed as claim 10 in the Amendment submitted on September 2, 2003. This change affected the claim pendency. Please refer to the following table:

Claims in Amendment		Claims in Patent
10	now	1
1	now	2
2 corresponding to 1	now	3 corresponding to 1
3 corresponding to 1	now	4 corresponding to 1

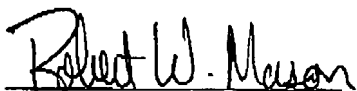
Patent No. 7,214,202

Letter accompanying Certificate of Correction dated August 28, 2007

4 corresponding to 1	now	5 corresponding to 1
5 corresponding to 1	now	6 corresponding to 1
6 corresponding to 5	now	7 corresponding to 6
7 corresponding to 6	now	8 corresponding to 7
8 corresponding to 6	now	9 corresponding to 7
9 corresponding to 6	now	10 corresponding to 7
11 corresponding to 1	now	11 corresponding to 1
12 corresponding to 1	now	12 corresponding to 1
13 corresponding to 1	now	13 corresponding to 1
14 corresponding to 1	now	14 corresponding to 1
15 corresponding to 1	now	15 corresponding to 1
16 corresponding to 1	now	16 corresponding to 1
17	now	17

Applicants request a correction as stated in the attached Certificate of Correction, form PTO/SB/44.

Respectfully submitted,



For Applicants

Robert W. Mason, Reg. No.: 42,848
Sr. Intellectual Property Officer
Kinetic Concepts, Inc.
Legal Department – Intellectual Property
P.O. Box 659508
San Antonio, Texas 78265-9508
Telephone: 210.255.6271
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PTO/SB/44 (08-07)
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,214,202 B1

APPLICATION NO.: 09/458,280

ISSUE DATE : May 8, 2007

INVENTOR(S) : Richard C. Vogel, David M. Turney, Susan P. Morris, L. Tab Randolph

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 11, line 12, claim 3 replace "claim 1" with "claim 2"
Column 11, line 16, claim 4 replace "claim 1" with "claim 2"
Column 11, line 20, claim 5 replace "claim 1" with "claim 2"
Column 11, line 27, claim 6 replace "claim 1" with "claim 2"
Column 12, line 5, claim 11 replace "claim 1" with "claim 2"
Column 12, line 9, claim 12 replace "claim 1" with "claim 2"
Column 12, line 13, claim 13 replace "claim 1" with "claim 2"
Column 12, line 20, claim 14 replace "claim 1" with "claim 2"
Column 12, line 23, claim 15 replace "claim 1" with "claim 2"
Column 12, line 25, claim 16 replace "claim 1" with "claim 2"

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Robert W. Mason
Kinetic Concepts, Inc., Attn: Legal Department - Intellectual Property
P.O. Box 659508, San Antonio, TX 78265-9508

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Matter No.: VAC.331A

Serial No.: 09/458,280

Title: Therapeutic Apparatus for Treating Ulcers

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Matter No.: VAC.331A ✓

Serial No.: 09/458,280

Title: Therapeutic Apparatus for Treating Ulcers



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PTO/SB/21 (05-03)

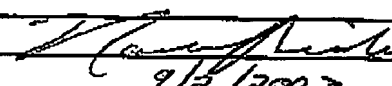
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/458,220	
	Filing Date	December 10, 1999	
	First Named Inventor	VOGEL	
	Art Unit	3764	
	Examiner Name	DEMILLE, Danton	
Total Number of Pages in This Submission	14	Attorney Docket Number	VAC.331A.US

ENCLOSURES <i>(Check all that apply)</i>		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Nadeem G. Bridi
Signature	
Date	9/2/2003

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Typed or printed name	Nadeem G. Bridi
Signature	
Date	September 2, 2003

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AUG 28 2007

PATENT

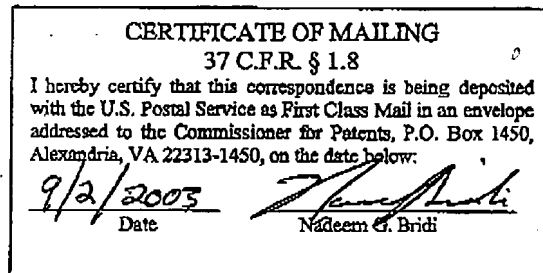
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 09/458,280 Confirmation No.
Inventor : VOGEL, et al.
Filed : December 10, 1999
Group Art Unit : 3764
Examiner : DEMILLE, Danton

Docket No. : VAC.331A.US
Customer No. : 30159

Title : THERAPEUTIC APPARATUS FOR TREATING ULCERS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



AMENDMENT B
Response to Paper No. 15

Dear Sir or Madam:

In response to the Office action of March 3, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

App. No. 09/458,280
Amdt. Dated September 2, 2003
Reply to Office Action of March 3, 2003

Amendments to the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended) A medical apparatus for therapeutic treatment of foot ulcers, comprising:

a wound dressing for introduction of a negative pressure over a first region of a patient's foot including a wound; wherein said wound dressing is comprised of a porous foam positioned within said foot ulcer, a drape for covering and sealing said foam within said foot ulcer, and a fluid communication means in fluid communication with said foam;

a foot wrap having an inflatable bladder for applying a compressive force over a second region of said patient's foot, concurrent with the introduction of said negative pressure, to compress the veins of said patient's foot and thereby partially empty said veins;

a negative pressure source for supplying negative pressure to said wound dressing through said fluid communication means; and

a positive pressure source for supplying compressive force to said foot wrap; wherein said positive pressure source is comprised of a compressor for filling a reservoir to a target pressure, a control circuit for shutting off said compressor when said target pressure is reached and releasing said air into said inflatable bladder until an equilibrium pressure is reached between said reservoir and said inflatable bladder.

App. No. 09/458,280

Amdt. Dated September 2, 2003

Reply to Office Action of March 3, 2003

Claim 2 (original) The medical apparatus of claim 1, wherein at least some part of said foot wrap overlaps at least some part of said wound dressing such that at least a portion of said second region overlaps said first region.

Claim 3 (original) The medical apparatus of claim 1, wherein at least some part of said foot wrap overlaps at least some part of said wound dressing such that at least a portion of said second region overlaps said wound.

Claim 4 (original) The medical apparatus of claim 1, wherein:

at least a portion of said wound dressing comprises elastically compressible foam overlapping said wound; and

at least some part of said foot wrap overlaps at least some part of said wound dressing such that said second region overlaps said foam.

Claim 5 (original) The medical apparatus of claim 1, wherein;

said negative pressure source comprises a suction pump; and

said positive pressure source comprises a ventable source of pressurized gas.

Claim 6 (original) The medical apparatus of claim 5, further comprising a control system for defining the negative application of pressure to said wound dressing and the positive application of force to said foot wrap.

Claim 7 (original) The medical apparatus of claim 6, wherein said negative application of pressure aspect of said control system comprises:

a vacuum sensor for measuring the negative pressure supplied to said wound dressing;
and

a first feedback mechanism for controlling, responsive to said measured negative pressure, said suction pump.

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Amtd. Dated September 2, 2003

Reply to Office Action of March 3, 2003

Claim 8 (original) The medical apparatus of claim 6, wherein said positive application of pressure aspect of said control system comprises:

a pressure transducer for measuring the positive force supplied to said foot wrap; and
a second feedback mechanism for controlling, responsive to said measured positive force, the venting of said source or pressurized gas into said foot wrap.

Claim 9 (original) The medical apparatus of claim 6, wherein:

said suction pump and said ventable source of pressurized gas comprise a single integrated compressor and vacuum pump unit; and

said control system controls said integrated compressor and vacuum pump unit responsive to both negative pressure supplied to said wound and positive force supplied to said foot wrap.

Claim 10 (currently amended) An apparatus for treatment of ulcers located on the heel or metatarsal head regions of a foot, comprising:

a dressing for applying a negative pressure to the heel or metatarsal head regions of a foot; and

a compressive element for applying a positive compressive force to a compressible regions of the foot including the plantar arch region; wherein said compressive element is comprised of a compressor for filling a reservoir to a target pressure, a control circuit for shutting off said compressor when said target pressure is reached and releasing said air into said compressible regions until an equilibrium pressure is reached between said reservoir and said compressible region.

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Amdt. Dated September 2, 2003

Reply to Office Action of March 3, 2003

Claim 11 (previously presented) The medical apparatus of claim 1, wherein at least some

portion of said foot wrap is operable to overlap at least some part of said wound dressing

wherein at least a portion of said second region overlaps said first region.

Claim 12 (previously presented) The medical apparatus of claim 1, wherein at least some part of

said foot wrap is operable to overlap at least some part of said wound dressing wherein at least a

portion of said second region overlaps said wound.

Claim 13 (previously presented) The medical apparatus of claim 1, wherein:

at least a portion of said wound dressing comprises elastically compressible foam
overlapping said wound; and

at least some part of said foot wrap is operable to overlap at least some part of said
wound dressing such that said second region overlaps said foam.

Claim 14 (previously presented) The medical apparatus of claim 1, wherein the positive pressure
source is operable to supply said compressive force intermittently.

Claim 15 (previously presented) The medical apparatus of claim 1, wherein the positive pressure
source comprises an oscillating air compressor.

Claim 16 (previously presented) The medical apparatus of claim 1, wherein the negative
pressure source is operable to supply said negative pressure intermittently.

Claim 17 (currently amended) A medical apparatus for therapeutic treatment of foot ulcers,
comprising:

a wound dressing for introduction of a negative pressure over a first region of a patient's
foot including a wound, wherein said wound dressing is comprised of a porous foam positioned
within said foot ulcer, a drape for covering and sealing said foam within said foot ulcer, and a
fluid communication means in fluid communication with said foam;

App. No. 09/458,280

Amtd. Dated September 2, 2003

Reply to Office Action of March 3, 2003

a foot wrap having an inflatable bladder for applying a compressive force over a second region of the patient's foot, the second region at least partially overlapping the first region;

a negative pressure source that supplies negative pressure to the wound dressing through said fluid communication means; and

a positive pressure source that supplies compressive force to the foot wrap; wherein said positive pressure source is comprised of a compressor for filling a reservoir to a target pressure, a control circuit for shutting off said compressor when said target pressure is reached and releasing said air into said inflatable bladder until an equilibrium pressure is reached between said reservoir and said inflatable bladder.

App. No. 09/458,280
Amdt. Dated September 2, 2003
Reply to Office Action of March 3, 2003

REMARKS/ARGUMENTS

Claims 1-17 remain in this application. Claims 1, 10, and 17 have been amended. The following issues are outstanding in the Office Action dated March 3, 2003:

- Claims 1-5, 10-13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobos et al. U.S. Patent No. 5,489,259 (hereinafter referred to as "Jacobos") in view of Thorn et al. Great Britain Patent No. 2,195,255 (hereinafter referred to as "Thorn") and Scarberry et al. U.S. Patent No. 5,222,478 (hereinafter referred to as "Scarberry").
- Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumey et al. U.S. Patent No. 5,443,440 (hereinafter referred to as "Tumey") in view of Thorn, Scarberry, and Jacobs.

Applicant respectfully traverses the rejections and objections, and in light of the following remarks requests reconsideration and withdrawal thereof.

Claim Rejections – 35 USC §103(a): Jacobos in view of Thorn and Scarberry

Examiner has rejected Claims 1-5 10-13, and 17 under 35 U.S.C. §103(a) as being unpatentable over Jacobos in view of Thorn and Scarberry. A device is unpatentable under §103 only if it would have been obvious to one of ordinary skill in the art at the time of the invention to combine aspects of the references to obtain the invention. Applicant respectfully asserts that Claims 1-5, 10-13 and 17 as amended are not obvious in view of Jacobos, Thorn and Scarberry. Applicant has amended claims 1, 10 and 17 to further distinguish from the references cited by the examiner. Combining the references cited would not obtain the invention as described in amended claims 1, 10, and 17. As such, withdrawal of the rejections of claims 1, 10, and 17 is

App. No. 09/458,280

Amdt. Dated September 2, 2003

Reply to Office Action of March 3, 2003

respectfully requested. As claims 2-5, and 11-13 are dependent on claims 1 and 10 respectively, withdrawal of the rejections of these claims is also respectfully requested. No new matter has been added. Support for the amendments can be found page 11, lines 4-20 of the application as filed.

Claim Rejections – 35 USC §103(a): Tumey in view of Thorn, Scarberry, and Jacobs

Examiner has rejected Claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Tumey in view of Thorn, Scarberry, and Jacobs. A device is unpatentable under §103 only if it would have been obvious to one of ordinary skill in the art at the time of the invention to combine aspects of the references to obtain the invention. Applicant respectfully asserts that Claims 1-17, as amended are not obvious in view of Tumey, Thorn, Scarberr, and Jacobs, and respectfully requests withdrawal of the rejection.

Similar to the arguments mentioned above, there is no motivation to combine the teachings of Tumey with the teachings of Thorn, Scarberry, and Jacobs in order to achieve the present invention as amended.

App. No. 09/458,280
Amdt. Dated September 2, 2003
Reply to Office Action of March 3, 2003

SUMMARY

In view of the above, it is submitted that the claims are now in condition for allowance.

Reconsideration and withdrawal of the rejections is hereby respectfully requested. Allowance of Claims 1-17 at an early date is solicited.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration.

Respectfully submitted,



Nadeem G. Bridi

Reg. No. 42,361

Attorney for the Applicant

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